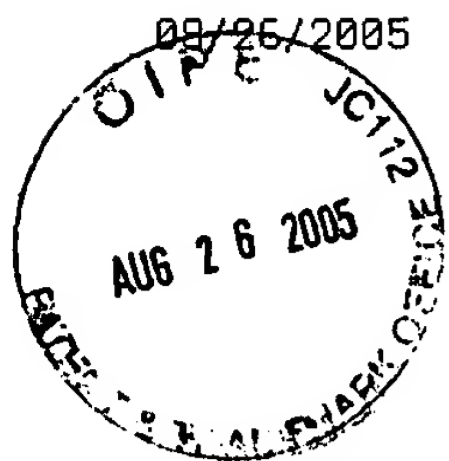


DACB
[Signature]**wongcabello**

Wong, Cabello, Lutsch, Rutherford & Brucculeri, LLP

20333 SH 249, Suite 600
Houston, Texas 77070
Direct: 832-446-2416
Fax: 832-446-2452
smcdermott@counselip.com**FACSIMILE TRANSMISSION COVER SHEET**

Date: Friday, August 26, 2005

To USPTO - Examiner: David R. Lazaro

Art Unit: 2155

Fax: 703/746-4000 (Mail Stop Issue Fee)

From: Sean P. McDermott

Customer No: 29855

Atty. Docket #: 149-0116US

Serial No.: 09/900,283

Re: *Please see the attached*

Pages (including cover page): 3

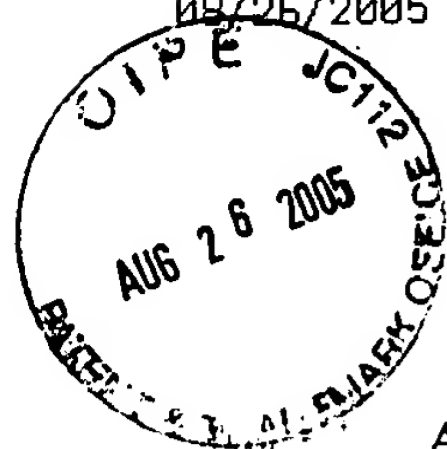
Received in the United States Patent and Trademark Office

1. Notification of Loss of Entitlement of Small Entity Status Due to Change to Large Entity Status (2 pages).

If there is a problem with transmission, please call (832) 446-2400

CONFIDENTIALITY NOTICE

This communication is only for the person named above. Unless otherwise indicated, it contains information that is confidential, privileged or exempt from disclosure under applicable law. If you are not the person named above, or responsible for delivering it to that person, be aware that disclosure, copying, distribution or use of this communication is strictly prohibited. If you have received it in error, or are uncertain as to its proper handling, please immediately notify us by collect telephone and mail the original



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 09/900,283 Confirmation No.: 6091
 Applicant : Jean-Marc Trinion
 Entitled : System and Method of Enterprise Systems and Business Impact
 Management
 Filed : 07-06-2001
 TC/A.U. : 2155
 Examiner : David R. Lazaro

 Docket No. : 149-0116US
 Customer No. : 29855

NOTIFICATION OF LOSS OF ENTITLEMENT OF SMALL ENTITY STATUS
DUE TO CHANGE TO LARGE ENTITY STATUS

Mail Stop ISSUE FEE
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

Dear Sir:

This is notification that small entity status is no longer appropriate for the above-captioned patent application due to a change to large entity status. An Assignment from IT Masters Technologies, SA to BMC Software, Inc. was executed on November 3, 2003 and was recorded on November 20, 2003 at reel/frame 014147/0012.

Through error, the Office was not notified of the loss of entitlement to small entity status prior to or at the time of paying the issue fee, as required by 37 C.F.R. § 1.27(g)(2). Assignee requests that the error in small entity status be excused upon Assignee's compliance with this separate submission and itemization requirement of 37 C.F.R. § 1.27(c)(1) & (2), and the deficiency payment requirement under 37 C.F.R. § 1.27(c)(2).

Assignee requests pursuant to 37 C.F.R. § 1.28(c) to pay the deficiency between the small entity fee paid, and the now-current large entity fee required. In this regard,

Adjustment date: 08/29/2005 HDEMESS2
 08/24/2005 TBESHAH2 00000014 501922 09900283
 01 FC:2501 700.00 CR

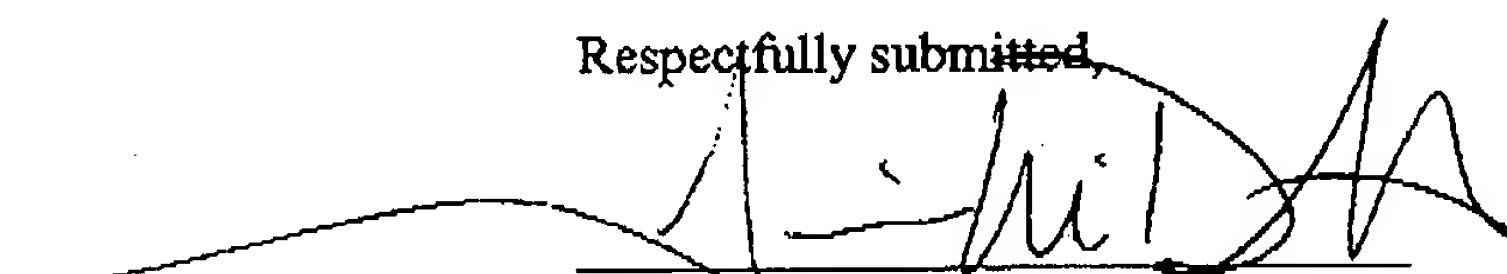
08/29/2005 HDEMESS2 00000022 501922 09900283
 01 FC:1501 1400.00 DA

Assignee has reviewed the file to see which earlier paid fees were paid according to small entity rates. The fees are itemized below, as is required by 37 C.F.R. § 1.28(c)(2)(ii):

<i>Fee</i>	<i>Previously paid small entity fee / payment date</i>	<i>Current Large Entity Fee</i>	<i>Deficiency</i>
Issue Fee	\$700 / 8-23-2005	\$1400.00	\$700.00
TOTAL			\$700.00

Accordingly, this Office is authorized to deduct the sum of the deficiency, \$700.00, from Deposit Account 501922, referencing Docket No. 149-0116US. This Office is further authorized to deduct any other necessary fees believed due with respect to this request from said Deposit Account.

Respectfully submitted,


Sean McDermott, Reg. No. 49,000

8/26/05

Wong, Cabello, Lutsch,
Rutherford & Brucculeri, L.L.P.
20333 SH 249, Suite 600
Houston, TX 77070
832/446-2416
Fax 832/446-2424

CERTIFICATE OF TRANSMISSION UNDER 37 C.F.R. 1.8

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark

Office Facsimile No. **703-746-4000** on Date: Aug. 26, 2005


Signature

Rebecca Ginn
Typed or Printed Name of Person Signing Certificate